

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 1:16-CR-04134-MV
)	
Plaintiff,)	CRIMINAL
)	
vs.)	Albuquerque, New Mexico
)	
QUANG HUY BUI,)	Tuesday, November 29, 2016
)	(10:40 a.m. to 10:51 a.m.)
Defendant.)	

ARRAIGNMENT

BEFORE THE HONORABLE KAREN B. MOLZEN,
CHIEF UNITED STATES MAGISTRATE JUDGE

Appearances:	See Next Page
Court Reporter:	Recorded; Liberty - Gila
Clerk:	E. Romero
Interpreter:	Hannah Duong Hoang
Transcribed by:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, TX 78480-8668 361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

APPEARANCES FOR:

Plaintiff:

JON K. STANFORD, ESQ.
U.S. Attorney's Office
District of New Mexico
P.O. Box 607
Albuquerque, NM 87103

Defendant:

ROBERT J. GORENCE, ESQ.
Gorence & Oliveros, PC
1305 Tijeras NW
Albuquerque, NM 87102

LU PHAM, ESQ.
Dowell Pham Harrison
Tindall Square Building No. 2
505 Pecan St., Suite 101
Fort Worth, TX 76102

1 Albuquerque, New Mexico; Tuesday, November 29, 2016; 10:40 a.m.

2 (Call to Order)

3 (Official Interpreter Utilized for Translation)

4 THE COURT: Very well. We are here in the matter of
5 *United States of America versus Quang Huy Bui* in 16-CR-4134 MV.

6 MR. STANFORD: Good morning, your Honor, Jon Stanford
7 for the Government.

8 MR. GORENCE: Good morning, your Honor, Robert
9 Gorence on behalf of Mr. Bui. With me as co-counsel is Mr. Lu
10 Pham. Mr. Pham is licensed in the state of Texas and he will
11 be entering pro hac vice.

12 MR. PHAM: Good morning, your Honor, Lu Pham with
13 Dowell Pham Harrison from Fort Worth, Texas.

14 THE COURT: Thank you.

15 And we do have Mr. Bui here as well. At this time,
16 I'm going to ask my courtroom deputy to swear in the Vietnamese
17 interpreter.

18 And, Madame Interpreter, if you would please state
19 your name for the record and spell your name, please.

20 THE INTERPRETER: My name is Hannah Hoang,
21 H-a-n-n-a-h, last name H-o-a-n-g.

22 THE COURT: Thank you.

23 (Interpreter sworn)

24 THE CLERK: Thank you.

25 THE COURT: Thank you. And, Ms. Hoang, at any time

1 you cannot hear, please let me know and we will do our best to
2 fix that.

3 Mr. Bui, I am Karen Molzen. I'm the Chief United
4 States Magistrate Judge here in the District of New Mexico.
5 You are here today for your arraignment. And, sir, let's go on
6 ahead and proceed with that.

7 Have you received a copy of the indictment in this
8 matter?

9 **THE DEFENDANT:** Yes, I already did.

10 **THE COURT:** And has it been read to you in
11 Vietnamese?

12 **THE DEFENDANT:** Yes, it has.

13 **THE COURT:** All right. And, Mr. Stanford, there are
14 two charges in this indictment. Can you please tell me the
15 elements of those charges?

16 **MR. STANFORD:** If I can have just a moment, your
17 Honor. I was not prepared for that question. I was about to
18 read to him the possible penalties.

19 Your Honor, for the first charge -- I'm going to lift
20 this microphone. I'm informed that the interpreter cannot hear
21 me unless I speak directly into the microphone. So sorry about
22 the loud volume.

23 Your Honor, for the first charge, the United States
24 needs to show that the Defendant knowingly and willfully
25 attempted to extort from the United States to Vietnam a defense

1 article.

2 **THE COURT:** Now, slow down for the interpreter,
3 please.

4 **MR. STANFORD:** Madame Interpreter, can you understand
5 me adequately?

6 **THE INTERPRETER:** Yes, yes, I do.

7 **THE COURT:** Thank you.

8 **MR. STANFORD:** Your Honor, we would show that he did
9 this without first having obtained the required license and
10 written approval from the United States Department of State
11 Directorate of Defense Trade Controls.

12 For the second count, your Honor, we would be
13 required to show as elements that from on or about March 10th,
14 2016, through on or about July 19th, 2016, in the District of
15 New Mexico and elsewhere, the Defendant did fraudulently and
16 knowingly attempt to export and send from the United States and
17 receive, conceal, buy and in any manner facilitate the
18 transportation, concealment and sale -- I'm giving the
19 interpreter a moment -- prior to exportation from the United
20 States one and more Teledyne J402-CA-400 turbojet engines
21 knowing that these engines were intended for export and without
22 first having obtained the required export license and
23 authorization from the United States Department of State
24 Directorate of Defense Trade Controls.

25 **THE COURT:** Thank you, Mr. Stanford.

1 **MR. STANFORD:** Yes, your Honor.

2 **THE COURT:** Are you willing to waive a formal
3 reading, Mr. Gorence?

4 **MR. GORENCE:** We are, your Honor. I have apprised
5 Mr. Bui of the statutory penalties. We've gone over even a
6 preliminary --

7 **THE COURT:** I need you to speak into that. Thank
8 you.

9 **MR. GORENCE:** I have apprised Mr. Bui of the
10 statutory penalties in both count -- both counts. We've even
11 done a preliminary analysis of potentially the guideline range
12 for this type of offense and we would enter a not guilty plea
13 to both counts.

14 **THE COURT:** And, let's see. Mr. Bui, are you
15 satisfied with the advice and representation you're receiving
16 from your attorney?

17 **THE DEFENDANT:** I'm not guilty.

18 **THE COURT:** And are you satisfied with the advice and
19 representation that you are receiving from your attorney?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Then I will enter not guilty pleas on
22 both counts of the indictment.

23 Counsel, I will enter the standing discovery order
24 electronically. Your motions will be due December 19th and you
25 will be notified by Judge Vasquez's chambers of a trial date.

1 Now, it's my understanding that in California,
2 conditions for release were set. Mr. Stanford?

3 **MR. STANFORD:** That's true, your Honor. I informed
4 Mr. Gorence this morning that we intend to file an appeal of
5 the detention order. There are transcripts which both parties
6 probably need to review from that detention hearing in
7 California. Also, Mr. Gorence informs me that he has a trial
8 starting on Monday and so we've agreed that I will wait a week
9 or so to file that in order to give everyone time to review
10 what they need and file a response.

11 I was also just handed an immigration detainer. We
12 believe your Honor might have gotten a copy of that as well.

13 **THE COURT:** No, I have not.

14 **MR. GORENCE:** I haven't received that either, your
15 Honor, and we have been in touch with an immigration attorney.
16 I would be surprised that there'd be a detainer lodged given
17 Mr. Bui's status of having an L1A visa legally entitling him to
18 work.

19 **THE COURT:** It's my understanding from the Pretrial
20 Services report from California that it was an expired visa.

21 **MR. GORENCE:** That's correct now. What happened is
22 that when Mr. Bui applied for an extension -- and he did that
23 in an appropriate period of time. What happened was that he
24 did that within the time that the initial approval letter
25 expired.

1 Immigration then provides a grace period of 240 days
2 for that to be processed. He's still well within the 240-day
3 window and the reason I understand it wasn't processed timely
4 to begin with was the State Department was aware of this
5 ongoing investigation and didn't approve it. And so we need an
6 immigration lawyer to look at this detainer because I believe
7 it contravenes the statute providing him a grace period.

8 And we have this issue of how it gets temporarily
9 approved because conditions of release have been set pursuant
10 to the ultimate recommendation of Pretrial Services in the
11 Northern District of California and -- so I don't think this
12 changes anything. We need to take this up with Judge
13 Vasquez --

14 **THE COURT:** Yes.

15 **MR. GORENCE:** -- because I do think there's other
16 issues from the immigration standpoint that would undermine the
17 efficacy of this detainer.

18 **THE COURT:** And pursuant to the *Cisneros* case, the
19 appeal must be addressed by Judge Vasquez. So I will let her
20 chambers know that that will be forthcoming and then those
21 issues can all be addressed by Judge Vasquez at that time.

22 So at this point, I'm without any authority to do
23 anything with regard to those conditions for release. I can
24 tell you that typically what we do is adopt them formally here.
25 That's my understanding, Mr. Gorence, that it's not really my

1 conditions for release. They're simply adopted here.

2 **MR. GORENCE:** I think that's the record that goes up
3 and I would -- was going to ask if you do that, Judge Beeler --
4 as I said, this was continued several times but made very
5 explicit signed-ins after initial -- the recommendation
6 changed. So I think that for the record for Judge Vasquez, you
7 should adopt Judge Beeler's factual findings that that's what
8 should go up.

9 **THE COURT:** I think that I'm without authority to do
10 anything else.

11 **MR. STANFORD:** You're right, your Honor.

12 **THE COURT:** All right. We will go on ahead and do
13 that.

14 Now, Mr. Bui, what you'll need to do is go to the
15 second floor with -- and it's my understanding, Mr. Bui, that
16 you can speak -- is it Mr. Pham?

17 **MR. PHAM:** Yes, Pham.

18 **THE COURT:** I'm sorry. That you speak Vietnamese?

19 **MR. PHAM:** I do, your Honor.

20 **THE COURT:** So you'll make sure that he is informed
21 of all those conditions before he signs them here?

22 **MR. PHAM:** I shall, your Honor.

23 **THE COURT:** All right. So that will be on the second
24 floor and my courtroom deputy Evonne will take care of you down
25 there.

1 **MR. GORENCE:** Yes, your Honor, and I've been informed
2 that the Marshal Service wants to make sure that he was
3 processed. I know he was after his custodial status in the
4 Northern District of California but we'll do that as well as
5 sign the paperwork here setting your conditions of release --

6 **THE COURT:** All right.

7 **MR. GORENCE:** -- or I should say, "Adopting theirs."

8 **THE COURT:** Adopting them. All right.

9 **MR. GORENCE:** Thank you, your Honor.

10 **THE COURT:** Anything else, Mr. Stanford?

11 **MR. STANFORD:** No, your Honor, not from the
12 Government.

13 **THE COURT:** Anything else, Mr. Gorence?

14 **MR. GORENCE:** No, your Honor.

15 **THE COURT:** And, Ms. Hoang, thank you very much for
16 serving as our interpreter today and thank you to our local
17 court staff for getting that arranged.

18 We'll be in recess.

19 **THE DEFENDANT:** Thank you, your Honor.

20 **(This proceeding adjourned at 10:51 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in cursive script, appearing to read "Toni Hudson", is positioned above a horizontal line.

December 29, 2016

TONI HUDSON, TRANSCRIBER